

FEBRUARY 1, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STANISLAW FILIPEK,

Plaintiff,

v.

RACHEL KRASS, ROSE WACH,
CESAR CLAUDIO, SEAN TULLY,
JOSEPH WALSH, BRIAN GUNNELL,
TIM SHANAHAN, DALE POTTER,
A CHICAGO POLICE OFFICER
WHOSE NAME IS UNKNOWN,
CITY OF CHICAGO

Defendants.

08 C 715

JURY DEMAND **JUDGE CASTILLO**
MAGISTRATE JUDGE DENLOW

COMPLAINT AT LAW

Plaintiff, STANISLAW FILIPEK, by his attorney, John W. Moore, complains against
Defendants as follows:

JURISDICTION

1. Jurisdiction of this Court is invoked under Section 1 of the Fourteenth Amendment to the United States Constitution, Title 28, United States Code Sections 1331 and Title 42, United States Code Sections 1983 and 1988.

VENUE

2. Venue is in this district in that all parties reside in this district and the cause of action arose in this district.

PARTIES

3. Plaintiff is a resident of Chicago, Illinois.
4. At all times stated herein, Defendants Krass, Wach, Claudio, Tully, Walsh, Gunnell, Shanahan, Potter, and Unknown Officer were on duty Chicago Police Officers.

FACTUAL ALLEGATIONS

3. On or about February 5, 2006, in the vicinity of 4953 S. Kilpatrick, Plaintiff encountered Defendants Krass, Claudio, Tully, Walsh, Gunnell, Shanahan, and Potter (collectively

“On Scene Defendants”). One or more of the On Scene Defendants arrested Plaintiff while the remaining On Scene Defendants observed the arrest. The On Scene Defendants who participated in the arrest intentionally or willfully and wantonly used excessive force to wit, striking plaintiff about the body and head and in the face and elsewhere and by deploying a chemical spray and otherwise, in the course of arresting plaintiff.

4. The On Scene Defendants who did not participate in the arrest observed the other On Scene Defendants using excessive force and did not intervene to protect Plaintiff.

5. After his arrest, Plaintiff was transported to the Chicago Police Station at 3515 W. 63rd Street, Chicago, Illinois, where Unknown Officer, without provocation or cause, beat, kicked, and struck Plaintiff repeatedly about his body, face and head.

6. Defendant Wach was present at the police station at 3515 W. 63rd Street and, on information and belief, was aware of Unknown Officers actions and failed to act to protect Plaintiff.

7. Some or all of Defendants agreed to make incorrect or false reports to conceal the use of excessive force in Plaintiff’s arrest or his subsequent beating by Unknown Officer and some or all of the Defendants acted upon the agreement.

8. The forgoing violated plaintiff’s rights under the United States Constitution including but not limited to his rights under the Fourth, Eighth and Fourteenth Amendments.

9. PLAINTIFF DEMANDS TRIAL BY JURY.

WHEREFORE, Plaintiff requests the following relief:

- a. Compensatory damages from Defendants;
- b. Punitive damages from Defendants;
- c. Reasonable attorney fees and costs; and
- d. Such other and further relief as appears reasonable and just.

STANISLAW FILIPEK

By: /s/ John W. Moore
One Of His Attorneys

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